

FILED 11 JUL 6 12:29 USDC ORN

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

SUZANNE MILES

Petitioner,

Civ. No. 09-699-CL

v.

**ORDER**

NANCY HOWTON,

Respondent.

**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed a Report and Recommendation ("R and R") [#45], and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Petitioner filed objections. Accordingly, I have reviewed the file of this case *de novo*. See 28 U.S.C. § 636(b)(1)(c); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). I conclude the R & R is correct.

Magistrate Judge Clarke's Report and Recommendation (#45) is adopted. The amended petition (#18) is denied and this action is dismissed. Because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability is DENIED. See 28 U.S.C. § 2253(2).

IT IS SO ORDERED.

DATED this 6 day of July, 2011.

A handwritten signature in cursive script, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE